

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DANIEL KELLOGG, on behalf of himself and
all others similarly situated,

Plaintiffs,

v.

GENERAL MILLS, INC.,

Defendant.

Case No.: 14-CV-939 YGR

**ORDER STRIKING IN PART NOTICE OF
RECENT DECISION (DKT. NO. 30);
ORDER TO SHOW CAUSE RE: SANCTIONS**

Plaintiff Daniel Kellogg has filed a “Notice of Recent Decision and Developments Relating To Plaintiff’s Opposition To Defendant General Mills, Inc.’s Motion to Dismiss Or Alternatively Transfer Proceedings. (Dkt. No. 30, “Notice”). This Notice is **STRICKEN** with the exception of the following portions *only*: 1:1-4; the sentence beginning “On May 2, 2014...” at 1:10-13, and the sentence beginning “See Exhibit A...” at 1:25-26.

The remainder of the filing is improper. Local Rule 7-3(d) provides that “[o]nce a reply is filed, no additional memoranda, papers or letters may be filed without prior Court approval” with two exceptions: one for an objection to reply evidence, and one for a Statement of Recent Decision. The latter exception, under Local Rule 7-3(d)(2), permits the filing of a “Statement of Recent Decision, containing a citation to and providing a copy of the new opinion—*without argument.*” Cal. N.D. Local Rules 7-3(d)(2) (emphasis added).

Kellogg’s filing exceeded this limitation and offered additional argument in support of its opposition, both related to the new decision and on other matters. No leave of Court was sought or given in connection with these additional arguments.

ORDER TO SHOW CAUSE

**PLAINTIFF DANIEL KELLOGG AND HIS COUNSEL MICHAEL R. REESE AND REESE
RICHMAN LLP (“REESE”):**


You are **ORDERED TO SHOW CAUSE** why you should not be sanctioned in the amount of
\$250.00 for failure to comply with Local Rule 7-3(d)(2).

Hearing on the Order to Show Cause is set for **Friday, May 16, 2014, at 9:01 a.m.** in
Courtroom 1, Federal District Court, 1301 Clay Street, Oakland.

Plaintiff and Reese shall file their written response to the Order to Show Cause no later than
Monday, **May 12, 2014**. Depending upon the nature of the response, the Court may vacate this
Order to Show Cause. Otherwise, personal appearance is required. **Defendant’s appearance is
waived.**

IT IS SO ORDERED.

Date: May 9, 2014


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE

United States District Court
Northern District of California